

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America

v.

DEVIN MONTGOMERY

)
)
)
)
)

Case No. 20-1369
UNDER SEAL

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/30/2020 in the county of Allegheny in the Western District of Pennsylvania, the defendant violated 18 U. S. C. § 844(f)(1), an offense described as follows:

18 U.S.C. Section 844(f)(1) (Malicious Damage to Property of Organization Receiving Federal Financial Assistance, and Attempt to do so)

This criminal complaint is based on these facts:

See attached.

☒ Continued on the attached sheet.

/s/ Ryan P. O'Sullivan

Complainant's signature

Ryan P. O'Sullivan, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/30/2020 11:30 am

City and state: Pittsburgh, PA

Judge's signature

Maureen P. Kelly, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

DEVIN MONTGOMERY

Magistrate No. 20-1369
UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND FOR AN ARREST WARRANT

I, Ryan P. O'Sullivan, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your affiant, Ryan P. O'Sullivan, is a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), assigned to the Pittsburgh Field Office, Group II. Your affiant has been employed as a Special Agent since September of 2015. While at the ATF National Academy, your affiant received extensive training in investigating federal firearms, explosives, arson and narcotics related violations, as well as surveillance, establishing probable cause, and executing search and arrest warrants.

2. Your affiant has participated in criminal investigations with ATF, as well as other federal, state and local law enforcement agencies relating to violations of federal laws involving firearms, explosives, arson and narcotics. Accordingly, your affiant has been involved in the execution of search warrants and arrest warrants pertaining to these offenses.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for charging DEVIN MONTGOMERY with a violation of Title 18, United States Code, Section 844(f)(1), and for the requested arrest warrant. This affidavit does not set forth all of my knowledge about this matter.

4. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that a violation of 18 U.S.C. § 844(f)(1) has been committed, specifically arson of a vehicle leased and possessed by the Pittsburgh Bureau of Police (“PBP”), which is an institution receiving federal financial assistance.

THE STATUTE

5. Title 18, United States Code, Section 844(f)(1) provides in relevant part as follows:

Whoever maliciously destroys, or attempts to damage or destroy, by means of fire or an explosive, any ... vehicle ... owned or possessed by, or leased to, ... any institution or organization receiving Federal financial assistance, shall be imprisoned ...

FEDERAL FINANCIAL ASSISTANCE TO PBP

6. The PBP participates in the Pittsburgh Bureau of Police/Drug Enforcement Administration Drug Task Force (“PBP/DEADTF”). As a participant in the PBP/DEADTF, the PBP, in 2018 and 2019, received Award letters from the federal High Intensity Drug Trafficking Area (“HIDTA”) program, which provided the PBP with access to federal reimbursement funds to cover expenses for the following types of expenses in the amounts set forth in the accompanying parentheses: equipment (\$36,000); supplies (\$6,900); cell phones, tablets and service (\$8,800); overtime (\$163,000); and vehicle leases (\$24,000).

7. Pursuant to a Grant Agreement executed between the City of Pittsburgh and the U.S. Department of Transportation, the PBP, for the period of 9/23/19 to 9/30/21, has been entitled to access, and has accessed, federal reimbursement funds from the Federal Motor Carrier Safety Administration Trust Fund to cover for expenses incurred by the PBP’s Commercial Vehicle Unit.

PROBABLE CAUSE

8. On May 30, 2020, two Pittsburgh Police vehicles suffered fires during demonstrations that occurred in downtown Pittsburgh. The first fire involved PBP marked Unit

3212, which at that time was leased and possessed by the PBP. The car was burned at approximately 4:45 pm while it was parked on Centre Avenue in front of the lower Centre Avenue entrance of PPG Paints Arena. The second PBP vehicle fire involved an unmarked PBP Unit with designation 3F04. That second fire, which is the subject of this Complaint, occurred at approximately 5:15 pm on a street known as Washington Place, near the Fifth Avenue entrance to PPG Paints Arena.

9. In the area around PPG Paints Arena on May 30, 2020, there was a crowd of several hundred persons who had just participated in a protest march from downtown Pittsburgh. That protest march related to the death of George Floyd in Minneapolis, MN, while Floyd was being arrested and detained by police. At approximately 4:30 pm on May 30, 2020, several protesters on Centre Avenue in Pittsburgh began to inflict damage on Unit 3212 as it was parked, unoccupied, on Centre Avenue. The destruction of Unit 3212 began with one person spray painting Unit 3212. Shortly thereafter, the destruction escalated to involve individuals kicking, stomping, and smashing various parts of Unit 3212. Finally, Unit 3212 was set on fire through the joint efforts of several people from the crowd, and was thereafter completely destroyed by the fire.

10. After Unit 3212 was burned, more than one hundred of the protesters walked from Centre Avenue around the corner onto Washington Place heading toward Fifth Avenue. Your affiant observed the following sequence of events on videotaped footage that the investigators in this case obtained from various sources present at the scene where Unit 3F04 was burned: As the crowd began to march down Washington Place toward Fifth Avenue, they were confronted by a line of PBP officers in riot gear further down Washington Place near Fifth Avenue. At this time Unit 3F04 was parked along the curb with several other marked PBP vehicles on Washington Place. After a brief standoff with the crowd, the officers who were positioned on Washington

Place chose to leave the area rather than engage in a physical confrontation with such a large crowd. All of the police vehicles, except Unit 3F04, were driven away by PBP officers. The crowd then continued marching down Washington Place toward Fifth Avenue. Upon reaching Unit 3F04, numerous individuals began to physically attack the vehicle and access the interior of the vehicle. One of the first individuals to approach Unit 3F04 was a black male wearing a #84 Antonio Brown Steelers jersey, blue jeans and dark colored shoes. He also wore a dark colored bandana type of face mask covering the lower portion of his face as well as a black beanie on his head. As set forth in more detail below, there is probable cause to believe that the man in the Antonio Brown jersey is Devin Montgomery, and that he participated in setting fire to Unit 3F04.

11. Videos of the crowd in the area around Unit 3F04 at this time show Montgomery opening the rear passenger door of Unit 3F04. Shortly thereafter, Montgomery can be seen on video next to that rear passenger door, at which time he is standing next to a person dressed in all black whose face is covered with a mask, and who is wearing a lighter colored backpack. Montgomery and the masked individual interact briefly with each other, as they each appear to be igniting items in their hands. Within seconds, the masked individual and Montgomery each toss an ignited item into the rear passenger compartment of Unit 3F04, which results in an interior fire that eventually spreads and destroys Unit 3F04. Montgomery can be seen quickly moving away from the unmarked Unit after setting it on fire. Other video footage from later that afternoon and evening captures Montgomery walking in the downtown area. Attached hereto are exhibits 1-7, which are still photos taken from the above referenced videos.

12. On June 17, 2020, the PBP posted several photos of Montgomery on the PBP Facebook page with a request for members of the public to come forward with any helpful information that would assist the PBP in identifying Montgomery. On June 18, 2020, the PBP

received tips from two separate individuals, both of whom requested that their identities not be publicized. Both callers said that the man in the Antonio Brown jersey is Devin Montgomery.

13. Your affiant obtained a Pennsylvania Department of Motor Vehicles driver's license photograph of Devin Montgomery, a copy of which is attached hereto as exhibit #8. The driver's license photo is consistent with the facial features and complexion of Montgomery seen in the attached still photos.

14. In late June of 2020, ATF Special Agents identified Diamen Green as a possible girlfriend of Devin Montgomery and conducted surveillance on her residence, located at 2061 Reed Street, Pittsburgh, PA 15219. On June 29, 2020, ATF Special Agents observed an individual dressed in green pants and a black short sleeve t-shirt exit this residence in broad daylight with his face clearly exposed. This individual was positively identified as Devin Montgomery. ATF Special Agents observed a circular tattoo on Montgomery's left elbow which appeared to possibly be a bomb or an 8 ball. This tattoo matched the tattoo seen on Montgomery's left elbow in exhibits #1 and #3. While agents were conducting surveillance of Devin Montgomery on June 29, 2020, they took a photograph of Montgomery which shows the above referenced tattoo on his left elbow. See exhibit 9 attached hereto.

15. Based on review of video footage, still photos, physical surveillance and other evidence from the above referenced events, there is probable cause to believe that Devin Montgomery is the man in the attached photos.

CONCLUSION

16. The facts above show that there is probable cause to believe that Devin Montgomery maliciously damaged and destroyed, and attempted to damage and destroy, and aided and abetted in the damage and destruction of a vehicle by means of fire, which vehicle was leased

and possessed by the PBP, which is an organization receiving federal financial assistance. I therefore submit this affidavit in support of a criminal complaint seeking to charge Devin Montgomery with a violation of 18 U.S.C. §§ 2 and 844(f)(1) on May 30, 2020.

17. The information above is true and correct to the best of my knowledge and belief.

Respectfully Submitted,

/s/ Ryan P. O'Sullivan

Ryan P. O'Sullivan, Special Agent, ATF

Sworn and subscribed before me, by telephone
pursuant to Fed. R. Crim. P. 4.1(b)(2)(A),
this 30th day of June, 2020



MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE



EXHIBIT 1



EXHIBIT 2



EXHIBIT 3



EXHIBIT 4





EXHIBIT 6



EXHIBIT 7



Photo Search - PennDOT Details

06/19/2020 07:21:36 AM



Driver Name	DEVIN ANTHON MONTGOMERY	License Number (OLN)	31280339
Driver Address	314 BIRMINGHAM AVE PITTSBURGH, PA 15210	DOB	██████████
Issue Date	01/08/2020	Expiration Date	03/25/2021
Gender	MALE	Height	5 FT 09 IN
Eye Color	(BR) BROWN	Photo Date	06/02/2017 01:23:05 PM
Duplicate Count	8	License Class	(C) SINGLE/COMB < 26,001
Endorsements		Restrictions	
Comm. Restrictions		Veteran Status	NOT DECLARED

All information provided is for authorized JNET users only. This information is provided in response to the JNET user's request and is to be used exclusively by the requestor in the performance of criminal justice responsibilities only. Secondary dissemination is strictly prohibited. Although the information may continue to be valid over a period of time, it should be considered complete and accurate only on the date of response.

